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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,387	08/31/2000	Mark R. Williams	253/232	2860

35667 7590 09/05/2003

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EXAMINER	
LE, DEBBIE M	

ART UNIT	PAPER NUMBER
2177	7

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/652,387	WILLIAMS, MARK R.	
	Examiner	Art Unit	
	DEBBIE M LE	2177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-18 and 21-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-18 and 21-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on *01 August 2003* is: a)☒ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Amendment

Applicant arguments filed on 8/1/03. Claims 3, 19-20 are canceled.

Applicant's arguments with respect to claims 1-2, 4-18, 21-27 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

The drawings were received on 8/01/03. These drawings are accepted by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4-18, 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry et al (US 6,195,693) in view of Simmons et al (US Patent Application No. 2001/0039659 A1).

Receiving a media file. (col. 10, lines 16-19).

Berry does not explicitly teach appending an identifier onto the media file, wherein the identifier uniquely identifies a player unit. However, Simmons teach

appending an identifier onto the media file the identifier uniquely identifies a player unit (see section 0022, 0040). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Berry with Simmons to implement the step of appending an identifier onto the media file the identifier uniquely identifies a player unit because the system provides a secure electronic commerce system that enables media owners to securely sell or rent media to users.

As per claim 2, Berry teaches retrieving the identifier from a non-volatile memory (col. 7, lines 30).

As per claim 4, Berry teaches storing the appended media file in a data storage (col. 7, lines 13-15, col. 10, lines 28-30).

As per claims 5-6, Berry teaches retrieving a message file and the media file and the message file arrive in a concatenated state (col. 8, lines 15-36, col. 9, lines 10-25, col. 10, lines 5-18).

As per claim 7, Berry teaches wherein the step of receiving a message file comprises receiving a message file selected from the group consisting of commercial messages or informational messages (col. 10, lines 38-52).

As per claims 8-10, Berry teaches wherein the step of receiving a media file comprises receiving an audio file, a video file, and a text file (col. 10, lines 38).

As per claim 11, Berry teaches

receiving a media file with a first identifier (col. 10, lines 18-20);

comparing the first identifier with the second identifier (col. 10, lines 28-32);

Retrieving a message file and producing a message output from the message file if the first identifier does not correspond to the second identifier (col. 10, lines 32-38);

Producing a media output from the media file (col. 10, lines 38-42).

Berry does not explicitly teach wherein the first identifier uniquely identifies a player unit; retrieving a second identifier, wherein the second identifier also uniquely identifies a player unit and determine whether the player unit identified by the first identifier is the same as the player unit identified by the second identifier. However, Simmons discloses these features (see section 0045, 0049-0050). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Berry with Simmons to implement the above steps because the system provides a secure electronic commerce system that enables media owners to securely sell or rent media to users.

Claims 12-18, 21-22 have the same limitations as to claims 2, 3-10; therefore, they are rejected by the same subject matter.

As per claim 23, Berry teaches

A processor (fig. 1);

A non-volatile memory communicatively coupled to the processor (col. 7, line 30);

A first identifier stored on the non-volatile memory (col. 7, lines 11-15);

A communication port communicatively coupled to the processor and capable of communicatively coupling the player unit to a computer system (col. 7, line 50-53, lines 66-67, col. 8, lines 1-36);

A data storage drive communicatively coupled to the processor and capable of transferring data between the player unit and a removable data storage medium (col. 7, lines 12-15);

A first application program residing in the player unit and accessible by the processor, the application program comprising one or more sequences of instructions for uniquely marking a media file (fig. 2, # 71, col. 7, lines 42-49), the one or more sequences of instruction causing the processor to perform a number of acts:

Receiving a media file (col. 10, lines 18-20); retrieving the first identifier from the non-volatile memory (col. 11, lines 1-10), and storing the appended media file in the removable data storage medium (col. 11, lines 35-38);

A second application program residing in the player unit and accessible by the processor (fig. 2, #71), the application program comprising one or more sequences of instructions for delivering a message file (col. 9, lines 38-47), the one or more sequences of instruction causing the processor to perform a number of acts, said acts comprising:

Receiving a media file with a second identifier; comparing the second identifier to the first identifier (col. 11, lines 1-18);

Retrieving a message file from the non-volatile memory and producing a message output from the message file if the second identifier does not correspond to the first identifier and producing a media output from the media file (col. 9, lines 27-37).

Berry does not explicitly teach wherein the first and the second identifier uniquely identifies the player unit and determine whether the player unit identified by the second

identifier is the same as the player unit identified by the first identifier. However, Simmons teaches these features (see section 0045, 0049-0050). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Berry with Simmons to implement the above steps because the system provides a secure electronic commerce system that enables media owners to securely sell or rent media to users.

Claim 24 is rejected by the same rationale as states in independent claim 23 argument.

As per claims 25-27, Berry teaches the identifier comprises a derivative of an electronic serial number of a player unit, receiving a media identifier that uniquely identifies the media file, the media identifier is derived from an industry standard number encoded on the media file (col. 11, lines 18-37).

Response to Arguments

Applicants arguments with respect to claims 1-2, 4-18, 21-27 have been fully considered but are moot in view of the new ground(s) of rejection.

Applicants argued that Berry does not disclose an identifier that uniquely identify hardware, namely a player unit. Comparing the first identifier with the second identifier to determine whether the player unit identified by the first identifier is the same as the player unit identified by the second identifier. However, these limitations are taught in a newly cited reference in view of Simmons et al (US Patent Application 2001/0039659 A1), (see section 0045, 0049-0050).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DEBBIE M LE
Examiner
Art Unit 2177

Debbie Le
August 27, 2003.

GRETA ROBINSON
PRIMARY EXAMINER